

Translation

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PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference M/43192-PCT	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP2003/009553	International filing date (day/month/year) 28 August 2003 (28.08.2003)	Priority date (day/month/year) 29 August 2002 (29.08.2002)
International Patent Classification (IPC) or national classification and IPC C10L 1/22		
Applicant BASF AKTIENGESELLSCHAFT		

<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.</p> <p><input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of <u>3</u> sheets.</p>	
<p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the report</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input type="checkbox"/> Certain defects in the international application</p> <p>VIII <input type="checkbox"/> Certain observations on the international application</p>	

Date of submission of the demand 24 March 2004 (24.03.2004)	Date of completion of this report 01 December 2004 (01.12.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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International application No.

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I. Basis of the report

1. With regard to the elements of the international application:*

- ☐ the international application as originally filed
- ☒ the description:
 pages 1-22, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☒ the claims:
 pages _____, as originally filed
 pages _____, as amended (together with any statement under Article 19
 pages _____, filed with the demand
 pages 1-12, filed with the letter of 29 September 2004 (29.09.2004)
- ☐ the drawings:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item. These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☒ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☒ the claims, Nos. 13-20
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

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I. Basis of the report

1. This report has been drawn on the basis of *(Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.)*:

The present report was restricted to the searched subject matter, namely the products indicated in the embodiments.

Claims 1-12 submitted with the letter of 29 September 2004 meet the requirements of PCT Article 33(2)(b).

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V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-12	YES
	Claims		NO
Inventive step (IS)	Claims		YES
	Claims	1-12	NO
Industrial applicability (IA)	Claims	1-12	YES
	Claims		NO

2. Citations and explanations

1. Reference is made to the following documents:

D1: WO 01 38463 A (mentioned in the application)
D2: US-A-5 264 005
D3: US-A-4 724 091
D4: US-A-4 129 508

2. The subject matter of claims 1-12 is novel within the meaning of PCT Article 33(2).

The subject matter of the application consists in the use of a composition containing a detergent and a partly or completely neutralized fatty acid to reduce carbon deposits due to combustion in the area of the fuel injection system of diesel engines and/or to reduce the corrosive action of a fuel.

D1-D4 (see the relevant references in the search report) disclose an additive mixture of a detergent and a salt of a fatty acid as a lubricant improver for mineral oil products. Since none of the citations D1-D4 discloses use of the additive mixture to reduce carbon deposits due to combustion in the area of the fuel injection system of diesel

engines and/or to reduce the corrosive action of a fuel, the subject matter of claims 1-12 may be considered novel.

3. The present application does not meet the requirements of PCT Article 33(1) because the subject matter of claims 1-12 does not involve an inventive step within the meaning of PCT Article 33(3).

The problem addressed by the present invention is that of providing a process for reducing carbon deposits due to combustion in the area of the fuel injection system of diesel engines and/or reducing the corrosive action of a fuel.

The solution described in the application does not involve an inventive step. The reasons are:

D1 pertains to the use of fatty acid salts of alkoxyated oligoamines as lubricant improvers for mineral oil products, in particular gasolines and middle distillates, above all diesel fuels, and to additive concentrates for such mineral oil products and to such mineral oil products themselves which contain fatty acid salts of alkoxyated oligoamines. These compounds are known to act as corrosion inhibitors. The examples show that the combination according to the invention does not demonstrate improved activity compared with fatty acid salts as such. The results of the corrosion tests were obtained by the addition of a known corrosion inhibitor.

Therefore, the solution described in the application

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cannot be considered to involve an inventive step.